



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 11-1218
Released: July 20, 2011

**COMMENTS INVITED ON APPLICATION OF AT&T INC. ON BEHALF OF
BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T SOUTHEAST TO
DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

WC Docket No. 11-120
Comp. Pol. File No. 998

Comments Due: August 19, 2011

Section 214 Application

Applicant: AT&T Inc. on behalf of BellSouth Telecommunications, Inc. d/b/a AT&T Southeast

On **June 30, 2011**, **AT&T Inc.** (AT&T or Applicant) filed an application with the Federal Communications Commission (FCC or Commission) on behalf of its affiliate, **BellSouth Telecommunications, Inc. d/b/a AT&T Southeast** (AT&T Southeast), located at **One AT&T Way, Bedminster, NJ 07921**, requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue certain domestic telecommunications services throughout the AT&T service territories in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee (collectively Service Areas).

AT&T indicates that AT&T Southeast currently offers BellSouth Exchange Access Frame Relay Service (XAFRS), BellSouth Managed Shared Frame Relay Service (MSFRS), BellSouth Exchange Access Asynchronous Transfer Mode (ATM) Service (XAATMS) and BellSouth Managed Shared ATM Service (MSATMS) (collectively, BellSouth Fast Packet Services) in the Service Areas. AT&T explains that XAFRS and MSFRS are connection-oriented packet-switched data services allowing for the interconnection of local area networks or other compatible customer equipment. AT&T adds that MSFRS provides total premises to switch connectivity to BellSouth's Frame Relay network through Network-to-Network interfaces or User-to-Network Interfaces (UNI) on the frame relay switch. AT&T describes XAATMS and MSATMS as connection-oriented data services that are based on ATM cell-based switching technology. AT&T indicates that XAATMS and MSATMS allow for the interconnection of ATM compatible customer equipment by providing efficient throughput at high speeds of transmission. AT&T explains that XAATMS provides the switching of symmetrical duplex transmissions of fixed-length ATM cells. AT&T further explains that MSATMS provides total premises to switch connectivity to BellSouth's ATM network through UNI on the ATM switch. AT&T states, however, that it is consolidating its portfolio of services as a result of the acquisition of BellSouth Telecommunications Inc. by AT&T Inc. AT&T asserts that the BellSouth Fast Packet Services are duplicative of other data services offered by affiliates of AT&T Southeast.

AT&T specifies that AT&T Southeast plans to discontinue offering BellSouth Fast Packet Services to new customers in the Service Areas effective on or after September 19, 2011, subject to Commission approval. AT&T clarifies in its notice to customers that current customers may, however,

retain their existing services and continue to conduct moves, additions and administrative changes until December 31, 2013, subject to the terms of their existing BellSouth Fast Packet Service Agreements or AT&T Business Services Agreements. AT&T adds that AT&T Early Termination Fees will no longer apply for these BellSouth Fast Packet Services effective September 19, 2011. AT&T explains in its notice to customers that, while it plans to withdraw the BellSouth Fast Packet Services on December 31, 2014, AT&T will support, for current customers, one extension of their existing contract past its current term for 12 months, provided the extension is signed on or before March 31, 2012. AT&T notes that no other renewals, extensions or new term plans may be entered into after September 19, 2011. AT&T clarifies that, upon expiration of any contract for BellSouth Fast Packet Services, it will continue to provide the service on a month-to-month basis until the service is discontinued on December 31, 2014. AT&T maintains that the public convenience and necessity will not be adversely affected by the proposed discontinuance of these services because they are offered by affiliates of AT&T Southeast or other carriers in the marketplace. AT&T indicates that it notified affected customers of the proposed discontinuances by letters sent via U.S. mail on June 29, 2011. AT&T acknowledges that although BellSouth Fast Packet Services are offered at speeds above 200 kbs pursuant to non-dominant regulation, XAFRS and MSFRS are offered at speeds less than 200 kbs pursuant to dominant carrier regulation. AT&T states that, in order to prevent customer confusion, AT&T Southeast therefore provides consent for the present discontinuance application to be processed under the Commission's rules for dominant carriers.

In accordance with section 63.71(c) of the Commission's rules, AT&T's application will be deemed to be granted automatically on the 60th day after the release date of this public notice, unless the Commission notifies AT&T that the grant will not be automatically effective. In the application and customer notices, AT&T indicates that AT&T Southeast plans to discontinue offering BellSouth Fast Packet Services to new customers in the Service Areas on or after September 19, 2011, pending regulatory approval. AT&T further indicates that AT&T Southeast plans to withdraw BellSouth Fast Packet Services on or after December 31, 2014, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of AT&T's application and notices, absent further Commission action, AT&T Southeast may cease to offer BellSouth Fast Packet Services to new customers in the Service Areas, and may allow for adjustments to customer service arrangements in accordance with AT&T's filed representations, on or after **September 19, 2011**. In addition, AT&T Southeast may terminate service to existing customers in the Service Areas on or after December 31, 2014, in accordance with AT&T's filed representations. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **August 19, 2011**. Such comments should refer to **WC Docket No. 11-120 and Comp. Pol. File No. 998**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight

U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Kimberly Jackson, (202) 418-7393 (voice), kimberly.jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

– FCC –